

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

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SHELDON LOCKETT; MICHELLE
DAVIS; AND CLYDE DAVIS,

PLAINTIFFS,

VS.

NO. 18-CV-5838-PJW

COUNTY OF LOS ANGELES, A
PUBLIC ENTITY; LOS ANGELES
COUNTY SHERIFF'S DEPARTMENT,
A LAW ENFORCEMENT AGENCY;
SHERIFF JIM MCDONNELL;
MIZRAIN ORREGO, A DEPUTY LOS
ANGELES COUNTY SHERIFF; AND
DOES 1 THROUGH 100,
INCLUSIVE,

DEFENDANTS.

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REMOTE VIDEOTAPED DEPOSITION OF
MIZRAIN ORREGO

FRIDAY, MAY 8, 2020

JOB NO. 4082830
REPORTED BY:
HOLLY THUMAN, CSR NO. 6834, RMR, CRR
PAGES 1-236

Page 1

1 MR. HURRELL: What's the question again? 11:15:05

2 BY MR. SWEENEY: 11:15:08

3 Q. Tell me about all tattoos on your body. 11:15:10

4 That's my question. 11:15:12

5 MR. HURRELL: Well, no. I don't think 11:15:14

6 you're allowed to ask that question. 11:15:15

7 MR. SWEENEY: Why? 11:15:19

8 MR. HURRELL: Well, I think you first have 11:15:20

9 to ask whether he has any other tattoos on his body 11:15:22

10 because the question assumes a fact not 11:15:25

11 established. 11:15:27

12 MR. SWEENEY: Okay. All right. 11:15:29

13 Q. So do you have -- let me rephrase the 11:15:32

14 question. 11:15:38

15 How many tattoos do you have on your body? 11:15:40

16 A. One. 11:15:44

17 MR. SWEENEY: That answers the question. 11:15:46

18 See, Mr. Hurrell? Okay. 11:15:48

19 Q. So we know that tattoo is on your leg. 11:15:57

20 Correct? 11:16:02

21 A. Yes. 11:16:02

22 Q. Is it on your right leg or your left leg? 11:16:02

23 A. My right leg. 11:16:05

24 Q. And that tattoo is the one that your 11:16:08

25 counsel sent over to Mr. Glickman this morning. 11:16:17

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1 Correct? 11:16:19

2 A. Yes. 11:16:20

3 Q. It's the same tattoo as your former 11:16:22

4 partner, Samuel Aldama. Correct? 11:16:27

5 A. Yes. 11:16:30

6 Q. And does it have a helmet with the "CPT" 11:16:32

7 inscription on it like Mr. Aldama's? 11:16:45

8 A. Yes. 11:16:49

9 Q. Does it have a skeleton with -- surrounded 11:16:50

10 by flames? 11:16:53

11 A. Yes. 11:16:55

12 Q. Is the skeleton holding a 11:16:57

13 Kalashnikov-style rifle? 11:17:02

14 A. Yes. 11:17:05

15 Q. On the magazine of the rifle, is there a 11:17:07

16 Roman numeral inscription "XXVIII"? 11:17:15

17 A. I believe so, sir. I need to -- I would 11:17:24

18 have to look at it; but yes, I would say yes. 11:17:26

19 Q. Yeah, well, that's 28 in Roman numerals. 11:17:29

20 Correct? 11:17:32

21 A. Correct. 11:17:33

22 Q. And do you know what substation Compton is 11:17:33

23 designated as in the County of Los Angeles, what 11:17:39

24 number? 11:17:43

25 A. 28, sir. 11:17:44

1 Q. Yeah. That's why the 28 is on there. 11:17:45
2 Correct? 11:17:48
3 A. No, sir. 11:17:51
4 Q. No? 11:17:53
5 Why is there "28" on there? 11:17:54
6 THE WITNESS: Can I speak to you? 11:17:59
7 (Witness and counsel confer briefly.) 11:18:00
8 THE WITNESS: Well, I'm sorry. 11:18:06
9 Can you repeat that last question again? 11:18:07
10 BY MR. SWEENEY: 11:18:09
11 Q. Why is that Roman numeral 28 on the 11:18:09
12 magazine of the skeleton's rifle? 11:18:12
13 A. Yes, 'cause that's the number for Compton 11:18:16
14 station. 11:18:18
15 Q. Okay. Now, on the stock of the gun, is 11:18:21
16 there a number? 11:18:31
17 A. No. 11:18:35
18 Q. When did you get that tattoo? 11:18:38
19 A. Approximately, I'll say, a year and a half 11:18:39
20 ago, two years ago. 11:18:45
21 Q. Give me the month and the year. 11:18:48
22 A. It was -- 11:18:51
23 MR. HURRELL: You can certainly give him 11:18:57
24 the year. 11:18:58
25 THE WITNESS: It was 2018, sir. 11:18:59

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1 BY MR. SWEENEY: 11:19:01

2 Q. What month? 11:19:03

3 A. I believe it was a summer month, sir. 11:19:08

4 Q. I'm going to give you a chance to answer 11:19:13

5 that question again. 11:19:15

6 Here's the question, another question: 11:19:17

7 Are you sure that you got that tattoo in 11:19:20

8 2018? 11:19:23

9 A. Yes. 11:19:27

10 Q. You're under oath, sir. 11:19:33

11 MR. HURRELL: He realizes that. 11:19:44

12 (Reporter requested clarification.) 11:19:49

13 BY MR. SWEENEY: 11:19:49

14 Q. Are you telling the truth, sir? 11:19:54

15 A. Yes. 11:19:56

16 Q. Before I get into the specifics of the -- 11:20:02

17 well, when you got it, where, and all that, let me 11:20:07

18 ask you: When you got the tattoo, was there a 11:20:13

19 number on the stock of the rifle? 11:20:22

20 A. No. 11:20:29

21 Q. When -- subsequent to you getting that 11:20:35

22 tattoo placed on, did you get a number placed on 11:20:41

23 that stock after you got the tattoo on? 11:20:47

24 A. No. 11:20:52

25 Q. At any time before this deposition -- that 11:21:01

1 the exact timing, sir. 11:46:18

2 Q. Okay. Where did you get your tattoo? 11:46:26

3 A. Vegas, sir. 11:46:37

4 Q. What's that? 11:46:38

5 A. In Vegas. 11:46:39

6 Q. In Las Vegas? 11:46:42

7 A. Yes. 11:46:43

8 Q. Is there a group of deputies -- or strike 11:46:43

9 that. 11:46:58

10 Was there, when you were a deputy there, a 11:47:00

11 group of deputies at the sheriff's station with 11:47:02

12 that tattoo? 11:47:05

13 A. I'm sorry. Can you repeat that question, 11:47:08

14 please, sir? 11:47:10

15 Q. Yes. Was there a group of deputies with 11:47:11

16 the same tattoo at the Compton station the same 11:47:15

17 time you were there? 11:47:19

18 A. It's possible, sir. 11:47:24

19 Q. And so you knew there was a group. 11:47:29

20 Correct? 11:47:31

21 A. Can you explain -- a group of what, sir? 11:47:35

22 Q. A group of deputies with a similar tattoo. 11:47:38

23 A. Well, sir, there's a lot of -- I mean, are 11:47:46

24 you talking about the same tattoo Aldama has, or -- 11:47:51

25 I'm not sure where you're going because in the 11:47:54

1 we weren't specifically looking for the gun -- for 14:13:34
2 the shooter of -- the GSV. We weren't there -- 14:13:38
3 that's what took us to the area, but that's not 14:13:44
4 exactly what we were doing. 14:13:46
5 Q. Oh, God. 14:13:49
6 What were you exactly doing, then? 14:13:49
7 A. Patrolling the neighborhood. 14:13:53
8 Q. For the suspect. Correct? 14:13:55
9 You can't separate the two, sir. You've 14:14:00
10 already said you heard the radio call, and you 14:14:02
11 decided to go to the rival gang area. 14:14:04
12 MR. ALTURA: This is Jack Altura. 14:14:09
13 I'll object to that testimony by counsel. 14:14:10
14 MR. HURRELL: Yeah. Is there a question, 14:14:13
15 John? 14:14:14
16 MR. SWEENEY: Yeah. 14:14:14
17 BY MR. SWEENEY: 14:14:14
18 Q. The question is: You went to that area to 14:14:15
19 search for a suspect to the shooting. Correct? 14:14:19
20 A. Yes, sir. 14:14:25
21 Q. Okay. All right. And so you had heard 14:14:26
22 that gunshots were involved. Correct? 14:14:30
23 A. Yes, sir. 14:14:36
24 Q. And your -- that heightened your anxiety, 14:14:38
25 didn't it? 14:14:43

1 suspect in the shooting. Correct? 14:41:38

2 MR. HURRELL: This is Tom Hurrell. 14:41:49

3 I'm sorry, John, I don't understand your 14:41:51

4 question. 14:41:53

5 MR. SWEENEY: I'm sorry, I didn't hear 14:41:54

6 you, Tom. 14:41:55

7 MR. HURRELL: I don't understand your 14:41:57

8 question. 14:41:58

9 BY MR. SWEENEY: 14:42:00

10 Q. The question is -- I mean, that may have, 14:42:00

11 as you say, been legal -- your legal reason for 14:42:03

12 getting out of the car, but your real reason -- 14:42:07

13 your legal reason to establish PC, probable 14:42:13

14 cause -- but the real reason you were there is 14:42:16

15 because you were looking for the suspects in this 14:42:18

16 shooting. Correct? 14:42:21

17 A. Yes -- yes, sir, but I wasn't going to 14:42:26

18 make a suspect happen if it's not there. 14:42:28

19 You know, I'm there, patrolling the 14:42:31

20 neighborhood of Compton that -- which is what I 14:42:32

21 did, and I just happened to stumble upon them. 14:42:35

22 Q. Yeah, but, I mean -- yes, really, if 14:42:38

23 you're -- if you're in an anxious state, there had 14:42:41

24 been a shooting, you're trying to solve it, which a 14:42:47

25 good police officer does, you're not going to 14:42:50

1 A. I don't remember if I did it or not, but a 15:35:12
2 containment was set. 15:35:15
3 I remember walking the path. I remember 15:35:18
4 us calling the gun dog so he could come and sniff 15:35:23
5 the path of Mr. Lockett. 15:35:27
6 That's -- that's all I recall at this 15:35:35
7 time. 15:35:37
8 (Reporter requested clarification.) 15:35:49
9 BY MR. SWEENEY: 15:35:49
10 Q. The gun dog never alerted along the path, 15:35:50
11 did he? 15:35:54
12 A. I don't recall his findings. 15:35:55
13 Q. You never found a gun, did you? 15:35:59
14 A. No, sir. 15:36:01
15 Q. No one in the sheriff department found a 15:36:02
16 gun, did they? 15:36:07
17 A. No, sir. 15:36:08
18 MR. SWEENEY: Let's -- at this point, 15:36:14
19 Mr. Glickman, can we play the broadcast? 15:36:16
20 Q. And before -- while he's cueing that up, 15:36:21
21 who was it who made the 417 call? 15:36:24
22 Was that you? 15:36:27
23 A. I don't recall, sir. 15:36:30
24 Q. Well, we're going to play a tape for you. 15:36:31
25 MR. GLICKMAN: So just for the record, 15:36:37

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1 MR. HURRELL: You misspoke, John. 16:55:13

2 THE WITNESS: You said "throughout the 16:55:15

3 arrest." 16:55:16

4 BY MR. SWEENEY: 16:55:17

5 Q. I'm sorry. Throughout the investigation. 16:55:18

6 A. I believe that that's a question that you 16:55:20

7 need to ask Aldama because I'm not sure -- to me, 16:55:21

8 "throughout the investigation" can be from point -- 16:55:24

9 from the time the suspect gets -- you know, you 16:55:27

10 have contact with the suspect to the time that the 16:55:31

11 detective -- you know, the case gets turned over to 16:55:35

12 detectives, you know. 16:55:38

13 So I -- it could be anywhere from five 16:55:40

14 minutes to a full month of -- 16:55:42

15 Q. Okay. So at the time -- you said the 16:55:44

16 starting point theoretically he could be talking 16:55:47

17 about is from the time of the contact. 16:55:51

18 At the time of the contact, did you feel 16:55:54

19 that he fit the suspect of the shooting's 16:55:58

20 description? 16:56:01

21 A. Yes, sir. 16:56:03

22 Q. Thank you. All right. 16:56:05

23 You had limited information that we just 16:56:14

24 heard an hour or so ago that was broadcast over the 16:56:17

25 dispatch; that is, black, male, blue beanie, silver 16:56:21

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1 Pontiac. 16:56:33

2 What in those -- in that description fit 16:56:38

3 the suspect, or fit Mr. Lockett? 16:56:43

4 A. Well, sir, I think that you're forgetting 16:56:49

5 our initial contact was not over anything related 16:56:53

6 to the 245, you know, other than that's the reason 16:56:56

7 why we were in that area, you know. 16:57:01

8 And "throughout the investigation," 16:57:07

9 meaning okay, now we arrested the guy that we saw 16:57:08

10 holding a gun, we have him detained, and then 16:57:12

11 the -- the victim gets brought, and then she 16:57:18

12 positively identifies Mr. Lockett as the suspect of 16:57:21

13 the shooting, that's -- you know, that's the 16:57:26

14 totality of that, of his arrest. That is the 16:57:30

15 reason why we arrested him. 16:57:34

16 Q. Thank you. 16:57:37

17 MR. SWEENEY: If we go on to your actual 16:57:40

18 report -- can we go to page 1 of 2 of Mr. Orrego's 16:57:43

19 report; put it up there? 16:57:48

20 MR. GLICKMAN: I'm looking at it, but you 16:58:00

21 guys don't see it. 16:58:01

22 MR. SWEENEY: What's that? 16:58:03

23 MR. GLICKMAN: I was looking at it, but I 16:58:05

24 didn't have it on screen share. 16:58:07

25 //

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

SHELDON LOCKETT; MICHELLE)
DAVIS; AND CLYDE DAVIS,)

PLAINTIFFS,)

VS.)

COUNTY OF LOS ANGELES, A)

PUBLIC ENTITY; LOS ANGELES)

COUNTY SHERIFF'S DEPARTMENT, A)

LAW ENFORCEMENT AGENCY;)

SHERIFF JIM MCDONNELL; MIZRAIN)

ORREGO, A DEPUTY LOS ANGELES)

COUNTY SHERIFF; AND DOES 1)

THROUGH 100, INCLUSIVE,)

DEFENDANTS.)

PORTIONS OF THIS TRANSCRIPT ARE CONFIDENTIAL

REMOTE VIDEOTAPED VIDEOCONFERENCED DEPOSITION OF

MIZRAIN ORREGO

FRIDAY, MAY 22, 2020

VOLUME II

JOB NO. 4116350-1

REPORTED BY: TAMARA L. CARLSON

CSR NO. 12555

PAGES 237 - 293

PAGES 277 - 289 ARE CONFIDENTIAL AND ARE BOUND SEPARATELY

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#4838
CONFIDENTIAL

1 MR. SWEENEY: I'm not going to tell you. 11:24

2 MR. ALTURA: Okay.

3 BY MR. SWEENEY:

4 Q. One final question, I just want to clear up
5 the record. Did you at any time on January 15, 11:24
6 2016, see a blue beanie that was associated with
7 Sheldon Lockett?

8 A. I don't recall, sir.

9 Q. Well, you didn't put in your report that
10 there was a beanie associated with Mr. Lockett, did 11:25
11 you?

12 A. If I could refer to my report, I would be
13 able to answer that question.

14 Q. You can refer to your report.

15 A. No, sir. 11:26

16 MR. SWEENEY: Thank you.

17 I have no further questions.

18 MR. ALTURA: This is Jack Altura for the
19 County. I have a few very, very brief questions for
20 you, Mr. Orrego. 11:26

21 I just want to confirm that we're still --
22 that this portion is still being designated
23 confidential, Madam Court Reporter?

24 THE REPORTER: Yes.

25 ///

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#4839
CONFIDENTIAL

1 EXAMINATION 11:26
2 BY MR. ALTURA:
3 Q. Mr. Orrego, were you aware that
4 Deputy Aldama was diagnosed with an illness in 2018?
5 A. Yes, sir. 11:27
6 Q. And do you know what that illness was?
7 A. Yes, sir.
8 MR. PONGRACZ: Objection. Third party
9 privacy.
10 Go ahead. 11:27
11 (The reporter requested clarification.)
12 MR. PONGRACZ: Andrew Pongracz for
13 Deputy Aldama, whose privacy and private medical
14 conditions we're discussing.
15 BY MR. ALTURA: 11:27
16 Q. And I don't want you to get into the
17 specifics, but very broadly can you tell us what
18 that illness is?
19 MR. PONGRACZ: Objection. Third party
20 privacy and medical privacy. HIPAA. 11:27
21 Go ahead.
22 THE WITNESS: Cancer.
23 BY MR. ALTURA:
24 Q. In your mind was that diagnosis of --
25 diagnosis of cancer a serious illness? 11:27

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CONFIDENTIAL

1 A. Very serious. 11:27

2 Q. And when did you find out that Mr. --

3 excuse me, that Deputy Aldama had this diagnosis?

4 A. I believe it was -- I'm sorry, summertime

5 of 2018, sir. 11:28

6 Q. So summertime, does that mean June, July,

7 or August of 2017?

8 A. Yes, sir.

9 Q. All right. You --

10 MR. HURRELL: 2018. 11:28

11 MR. ALTURA: Thank you, Mr. Hurrell.

12 BY MR. ALTURA:

13 Q. So that would be -- just to correct the

14 record, Mr. Orrego, it would be June, July, or

15 August of 2018? 11:28

16 A. Yes, sir, I believe so.

17 Q. And can you narrow that down any further to

18 one or two months?

19 A. I don't remember the exact months.

20 Q. I understand, sir. 11:28

21 How did you found -- how did you find out

22 about Mr. -- excuse me, Deputy Aldama's illness?

23 A. I don't recall. He may have called me or

24 we may have found out through his family.

25 Q. And did your getting the tattoo on your 11:29

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CONFIDENTIAL

1 calf have anything to do with the fact that Deputy 11:29

2 Aldama was diagnosed with this serious illness?

3 A. 100 percent.

4 Q. And can you explain in what way that

5 diagnosis affected you -- your getting the tattoo? 11:29

6 A. Well, sir, we both gave our life, you know,

7 for -- to serve the community in Compton; and,

8 you know, I was no longer part of doing what I love

9 to do. You know, I was like jobless at home and my

10 partner was going through a very hard time, and I 11:29

11 believed that there was a possibility that he was

12 not going to make it anymore, so I wanted to have

13 something that I shared with him, and that was it,

14 sir.

15 Q. How long were you Deputy Aldama's partner 11:29

16 for?

17 A. I have known Deputy Aldama for a long time,

18 but partners in the same patrol vehicle, I'll say

19 approximately two years.

20 Q. And how long did you know Deputy Aldama 11:30

21 before that, as a deputy?

22 A. About ten years, sir.

23 (The nonconfidential portion of this

24 deposition continues on page 290.)

25